

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DEAN WRIGHT,

Plaintiff,

DECISION AND ORDER

05-CV-6052L

v.


T. DIXON, et al.,

Defendants.

Plaintiff, Dean Wright, has moved for summary judgment in this *pro se* civil rights action. Plaintiff's motion is denied. Defendants have only recently answered the complaint, which was filed in February of this year, and there has been no discovery. To grant plaintiff's motion, the Court would have to assume the truth of plaintiff's allegations in the complaint, which the Court cannot properly do. *See Cadbury Beverages, Inc. v. Cott Corp.*, 73 F.3d 474, 481 (2d Cir. 1996) (improper for district court to draw inferences in favor of moving party when deciding motion for summary judgment); *Gemological Institute of America, Inc. v. Zarian Co., Ltd.*, 349 F.Supp.2d 692, 695 (S.D.N.Y. 2004) (noting that "a pre-discovery motion [for summary judgment] should be viewed with significant caution").

Plaintiff's motion for summary judgment (Dkt. #8) is denied.

IT IS SO ORDERED.



DAVID G. LARIMER

United States District Judge

Dated: Rochester, New York
June 23, 2005.

